

Encl 129, pages 6-19, CJCSI 3121.01A, are
classified and not releasable.

Encl (129) pages 6-19

UNCLASSIFIEDCJCSI 3121.01A
15 January 2000

(3) Participation in multinational operations may be complicated by varying national obligations derived from international agreements; e.g., other coalition members may not be parties to treaties that bind the United States, or they may be bound by treaties to which the United States is not a party. US forces remain bound by US international agreements even if the other coalition members are not parties to these agreements and need not adhere to the terms.

d. Commanders of US forces subject to international agreements governing their presence in foreign countries (e.g., Status of Forces Agreements) retain the inherent authority and obligation to use all necessary means available and take all appropriate actions for unit self-defense.

e. US forces in support of operations not under OPCON or TACON of a US CINC or that are performing missions under direct control of the NCA, Military Departments, or other USG departments or agencies (e.g., Marine Security Guards, certain special security forces) will operate under use-of-force policies or ROE promulgated by those departments or agencies. US forces, in these cases, retain the authority and obligation to use all necessary means available and to take all appropriate actions in unit self-defense in accordance with these SROE.

f. US Naval units under USCG OPCON or TACON conducting law enforcement support operations will follow the use-of-force and weapons policy issued by the Commandant, USCG, but only to the extent of use of warning shots and disabling fire per 14 USC 637 (reference w). DOD units operating under USCG OPCON or TACON retain the authority and obligation to use all necessary means available and to take all appropriate actions in unit self-defense in accordance with these SROE.

g. US forces will comply with the Law of War during military operations involving armed conflict, no matter how the conflict may be characterized under international law, and will comply with its principles and spirit during all other operations.

2. Policy

a. **These rules do not limit a commander's inherent authority and obligation to use all necessary means available and to take all appropriate actions in self-defense of the commander's unit and other US forces in the vicinity.**

A-2

UNCLASSIFIEDEncl (129)
Page 1 of 19

UNCLASSIFIED

CJCSI 3121.01A

15 January 2000

b. The goal of US national security policy is to preserve the survival, safety, and vitality of our nation and to maintain a stable international environment consistent with US national interests. US national security interests guide global objectives of deterring and, if necessary, defeating armed attack or terrorist actions against the United States to include US forces and, in certain circumstances, US nationals and their property, US commercial assets, persons in US custody, designated non-US forces, and foreign nationals and their property.

3. Intent. These SROE are intended to:

a. Implement the right of self-defense, which is applicable worldwide to all echelons of command.

b. Provide guidance governing the use of force consistent with mission accomplishment.

c. Be used in peacetime operations other than war, during transition from peacetime to armed conflict or war, and during armed conflict in the absence of superseding guidance.

4. CINCs' Theater-Specific ROE

a. CINCs may augment these SROE as necessary as delineated in subparagraph 6a of the basic instruction.

b. CINCs will distribute these SROE to subordinate commanders and units for implementation. The mechanism for disseminating ROE supplemental measures is set forth in Enclosure J.

5. Definitions

a. Inherent Right of Self-Defense. A commander has the authority and obligation to use all necessary means available and to take all appropriate actions to defend that commander's unit and other US forces in the vicinity from a hostile act or demonstration of hostile intent. Neither these rules, nor the supplemental measures activated to augment these rules, limit this inherent right and obligation. At all times, the requirements of necessity and proportionality, as amplified in these SROE, will form the basis for the judgment of the on-scene commander (OSC) or individual as to what constitutes an appropriate response to a particular hostile act or demonstration of hostile intent.

Encl (129)

Page 2 of 19

A-3

UNCLASSIFIED

UNCLASSIFIEDCJCSI 3121.01A
15 January 2000

b. National Self-Defense. Defense of the United States, US forces, and, in certain circumstances, US nationals and their property, and/or US commercial assets. National self-defense may be exercised in two ways: first, it may be exercised by designated authority extending protection against a hostile act or demonstrated hostile intent to US nationals and their property, and/or designated US commercial assets [in this case, US forces will respond to a hostile act or demonstrated hostile intent in the same manner they would if the threat were directed against US forces]; second, it may be exercised by designated authority declaring a foreign force or terrorist(s) hostile [in this case, individual US units do not need to observe a hostile act or determine hostile intent before engaging that force or terrorist(s)].

c. Collective Self-Defense. The act of defending designated non-US forces, and/or designated foreign nationals and their property from a hostile act or demonstrated hostile intent. Unlike national self-defense, the authority to extend US protection to designated non-US forces, foreign nationals and their property may not be exercised below the NCA level. Similar to unit self-defense and the extension of US forces protection to US nationals and their property and/or commercial assets, the exercise of collective self-defense must be based on an observed hostile act or demonstrated hostile intent.

d. Unit Self-Defense. The act of defending a particular US force element, including individual personnel thereof, and other US forces in the vicinity, against a hostile act or demonstrated hostile intent.

e. Individual Self-Defense. The inherent right to use all necessary means available and to take all appropriate actions to defend oneself and US forces in one's vicinity from a hostile act or demonstrated hostile intent is a unit of self-defense. Commanders have the obligation to ensure that individuals within their respective units understand and are trained on when and how to use force in self-defense.

f. Elements of Self-Defense. Application of force in self-defense requires the following two elements:

(1) Necessity. Exists when a hostile act occurs or when a force or terrorist(s) exhibits hostile intent.

(2) Proportionality. Force used to counter a hostile act or demonstrated hostile intent must be reasonable in intensity, duration

Encl (129)
Page 3 of 19

A-4

UNCLASSIFIED

UNCLASSIFIEDCJCSI 3121.01A
15 January 2000

and magnitude to the perceived or demonstrated threat based on all facts known to the commander at the time (see Glossary for amplification).

g. Hostile Act. An attack or other use of force against the United States, US forces, and, in certain circumstances, US nationals, their property, US commercial assets, and/or other designated non-US forces, foreign nationals and their property. It is also force used directly to preclude or impede the mission and/or duties of US forces, including the recovery of US personnel and vital US Government property (see Glossary for amplification).

h. Hostile Intent. The threat of imminent use of force against the United States, US forces, and in certain circumstances, US nationals, their property, US commercial assets, and/or other designated non-US forces, foreign nationals and their property. Also, the threat of force to preclude or impede the mission and/or duties of US forces, including the recovery of US personnel or vital USG property (see Glossary for amplification).

i. Hostile Force. Any civilian, paramilitary, or military force or terrorist(s), with or without national designation, that has committed a hostile act, exhibited hostile intent, or has been declared hostile by appropriate US authority.

6. Declaring Forces Hostile. Once a force is declared hostile by appropriate authority, US units need not observe a hostile act or a demonstration of hostile intent before engaging that force. The responsibility for exercising the right and obligation of national self-defense and as necessary declaring a force hostile is a matter of the utmost importance. All available intelligence, the status of international relationships, the requirements of international law, an appreciation of the political situation, and the potential consequences for the United States must be carefully weighed. The exercise of the right and obligation of national self-defense by competent authority is separate from and in no way limits the commander's right and obligation to exercise unit self-defense. The authority to declare a force hostile is limited as amplified in Appendix A of this Enclosure.

7. Authority to Exercise Self-Defense

a. National Self-Defense. The authority to exercise national self-defense is outlined in Appendix A of this Enclosure.

Encl (129)

Page 4 of 19

A-5

UNCLASSIFIED

1- 9-01; 6:13PM;CLF PAU MEDIA REL

UNCLASSIFIED

CJCSI 3121.01A
15 January 2000

b. Collective Self-Defense. Only the NCA may authorize the exercise of collective self-defense.

c. Unit Self-Defense. A unit commander has the authority and obligation to use all necessary means available and to take all appropriate actions to defend the unit, including elements and personnel, or other US forces in the vicinity, against a hostile act or demonstrated hostile intent. In defending against a hostile act or demonstrated hostile intent, unit commanders will use only that degree of force necessary to decisively counter the hostile act or demonstrated hostile intent and to ensure the continued protection of US forces (see subparagraph 8a of this enclosure for amplification).

d. Individual Self-Defense. Commanders have the obligation to ensure that individuals within their respective units are trained on and understand when and how to use force in self-defense.

8. Action in Self-Defense

a. Means of Self-Defense. All necessary means available and all appropriate actions may be used in self-defense. The following guidelines apply for individual, unit, national, or collective self-defense:

(1) Attempt to De-Escalate the Situation. When time and circumstances permit, the hostile force should be warned and given the opportunity to withdraw or cease threatening actions (see Appendix A of this Enclosure for amplification).

(2) Use Proportional Force -- Which May Include Nonlethal Weapons -- to Control the Situation. When the use of force in self-defense is necessary, the nature, duration, and scope of the engagement should not exceed that which is required to decisively counter the hostile act or demonstrated hostile intent and to ensure the continued protection of US forces or other protected personnel or property.

(3) Attack to Disable or Destroy. An attack to disable or destroy a hostile force is authorized when such action is the only prudent means by which a hostile act or demonstration of hostile intent can be prevented or terminated. When such conditions exist, engagement is authorized only while the hostile force continues to commit hostile acts or exhibit hostile intent.

Encl (129)
Page 5 of 19

A-6

UNCLASSIFIED